

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AARON J. RAMBO,)	
)	
Petitioner,)	CASE NO.: 04-CV-12669-EFH
)	
v.)	
)	
DAVID WINN, as Warden of FMC)	
Devens, and JOHN ASHCROFT, as)	
Attorney General of the United States,)	
)	
Respondents.)	
)	

MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT’S MOTION TO DISMISS

I. Introduction:

Petitioner Aaron Rambo, Register Number 54411-060, is a federal inmate currently incarcerated at the Federal Medical Center in Devens, Massachusetts (FMC Devens). See Document 1a, Public Information Data, attached to the Declaration of FMC Devens Paralegal Trainee Stephanie Scannell.^{1 2} Petitioner has filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 against David L. Winn, Warden, FMC Devens, and John Ashcroft, Attorney General of the United States (hereafter, the “Respondents”). Petitioner alleges that his “statutory and due process rights are being violated by the Bureau of Prisons’ misinterpretation of 18 U.S.C. §3624(b), depriving him of eligibility for 54 days of good conduct time (GCT)

¹The Scannell Declaration is attached as **Exhibit 1**.

²On February 13, 2004, Petitioner was sentenced in the United States District Court for the Northern District of Ohio to a 27-month term of incarceration with a three year term of supervised release to follow for Coercion and Enticement of a Minor via the Internet, in violation of 18 U.S.C. § 2422(b). See Document 1b, Sentence Monitoring Computation Data, attached to the Declaration of Stephanie Scannell.

credit for each year of his term of imprisonment to which he is statutorily entitled.” See Verified Complaint and Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241. In addition, Petitioner contends that his “statutory and due process rights are further being violated by the Bureau of Prisons’ misinterpretation of 18 U.S.C. § 3621(b), denying him eligibility to serve the last six months of his sentence at a Community Correction Center (CCC).”³ Id.

As relief, Petitioner requests that the Court “declare that [his] potential good conduct time award based on the sentence imposed by the Court shall be 121 days” Id.⁴ Respondents hereby move to dismiss Count I of the Petition, which is the only remaining count of the Petition (see notes 3 and 4, supra), for the following two reasons: First, the only proper respondent in a petition for writ of habeas corpus under 28 U.S.C. § 2241 is the warden of the correctional facility where the petitioner is incarcerated.. Second, Petitioner’s good conduct time has been calculated in accordance with Bureau of Prisons policy, and this policy has been upheld by the United States Court Of Appeals for the First Circuit.

II. Administrative Remedy History:

On or about July 20, 2004, Petitioner submitted a Request for Administrative Remedy to the Warden at FMC Devens. See Document 1f, Request for Administrative Remedy 344551-F1,

³Petitioner’s CCC placement date was reconsidered pursuant to Goldings v. Winn, and determined to be February 8, 2005. See Document 1c, Inmate Profile, attached to the Declaration of Stephanie Scannell. Accordingly, on or about February 10, 2005, Petitioner voluntarily dismissed both the CCC portion of this Petition and his Motion for Temporary Restraining Order.

⁴Petitioner further requested that the Court “declare that 18 U.S.C. 3621(b) authorizes the Respondents to transfer [him] to a Community Corrections Center for the service of more than the last 10% of [his] sentence.” This issue is now moot, however, in light of the agency’s reconsideration of Petitioner’s CCC placement date under Goldings v. Winn and Petitioner’s subsequent voluntary dismiss of the CCC portion of his Petition.

and Response, attached to the Declaration of Stephanie Scannell. In his Request, Petitioner contends that his “good conduct time has been incorrectly calculated.” Id. Petitioner asserts that he “should receive 121.5 days [GCT].” Id. Petitioner calculated this number using the formula “54 days per year/12 months = 4.5 days per month [and] 4.5 days per month x 27 months = 121.5 days GCT.” Id. In a Response dated July 30, 2004, the Warden denied Petitioner’s request, stating that “[t]he Bureau has interpreted [18 U.S.C.] section 3624(b) to permit the Bureau to award GCT only for time actually served rather than on the time imposed.” Id. The response further stated that “[t]his interpretation has been upheld in two judicial circuits.” Id.

On or about August 10, 2004, Petitioner submitted an Administrative Remedy Appeal to the Regional Director of the Northeast Regional Office of the Federal Bureau of Prisons. See Document 1g, Regional Office Administrative Remedy Appeal 344551-R1, and Response, attached to the Declaration of Stephanie Scannell. In his appeal, Petitioner asserts that his “good conduct time has been incorrectly calculated” and that he “should receive 121.5 days” of GCT. Id. On September 13, 2004, the Regional Director denied Petitioner’s request, explaining that “if the Bureau computed GCT in the manner [Petitioner] request[ed] as relief, then the Bureau would violate the statutory mandate that the GCT be awarded at the end of each year of imprisonment.” Id. Further, the Response indicated that “[t]he institution correctly determined [Petitioner’s] eligibility for GCT.”

On or about September 17, 2004, Petitioner appealed the Regional Director’s decision to the National Appeals Administrator in the Bureau of Prisons’ Central Office. See Document 1h, Central Office Administrative Remedy Appeal 347723-A1, and Response, attached to the Declaration of Stephanie Scannell. In the appeal, Petitioner reiterated his “belief that [his] good

conduct time has been incorrectly calculated.” Id. Petitioner contends that he “should receive 121.5 days” of good conduct time. Id. On November 19, 2004, the National Appeals Administrator denied Petitioner’s request. The response explained that “if the Bureau computed GCT in the manner [Petitioner] request[ed] as relief, then it would violate the statutory mandate that the GCT be awarded at the end of each year of imprisonment.” Id. The response reiterated that “[t]he institution properly computed your sentence and correctly applied BOP’s method for awarding good conduct time.” Id.

III. Petitioner’s Sentence Computation:

The date computation began on Petitioner’s current sentence is February 13, 2004, the date of imposition. See Document 1b. Petitioner received prior jail credit of two hundred seven (207) days for the time period from July 21, 2003 through February 12, 2004. Id. Under 18 U.S.C. § 3624(b), Petitioner is entitled to 105 days of Good Conduct Time (GCT). See Document 1d, Sentence Monitoring Good Time Data, attached to the Declaration of Stephanie Scannell. To date, Petitioner has vested 54 days GCT out of the 105 days for which he is eligible. Id. Assuming Petitioner is granted all remaining GCT available to him under 18 U.S.C. § 3624(b), his projected statutory release date on this docket is July 4, 2005. See Document 1b. In the event that all of his Good Conduct Time is disallowed, his full term expiration date is October 17, 2005. Id.

Bureau of Prisons Program Statement 5880.28, Sentence Computation Manual CCCA, provides, in pertinent part:

A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life . . . shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first

year of the term, unless the Bureau of Prisons determines that, during the year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner . . . Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

See **Document 1e**, Program Statement 5880.28, Sentence Computation Manual CCCA, page 1-40, attached to the Declaration of Stephanie Scannell. Pursuant to this Program Statement, the following details the amount of Good Conduct Time awarded to Petitioner during his incarceration. See **Document 1d**.

Computation Year 07/21/03⁵ through 07/20/04:

During this year, Petitioner vested all 54 days of his GCT. Id.

Computation Year 07/21/04 through 07/04/05:

Assuming Petitioner does not receive any sanctions which disallow GCT, he is expected to vest 51 days GCT. Id. This number is obtained by a calculation which prorates the portion of the year of time served in accordance with Program Statement 5880.28, Sentence Computation Manual CCCA, and is explained in the next section in further detail. See **Document 1e**, pp. 1-44 to 1-49.

Therefore, *Petitioner's total GCT: $54 + 51 = 105$ days total GCT.* See **Document 1d**.

IV. Calculation of Amount of GCT Awarded to Petitioner Each Year:

The number of days of GCT awarded to Petitioner each year was calculated according to Program Statement 5880.28, Sentence Computation Manual CCCA, and is explained in detail below. See **Document 1e**.

Assuming Petitioner vested all possible GCT:

⁵ July 21, 2003, is obtained by using the date sentence computation began (February 13, 2004) minus two hundred seven (207) days to account for jail credit time.

Start: 10/17/05 (full term expiration date), as of 07/21/03 serving a 820 day sentence (2 years, 3 months).

Year One: Petitioner serves one full year from 07/21/03 to 07/20/04, and is then awarded with 54 days GCT. This changes his release data to the following:

08/24/05 (new release date), as of 07/20/04 with 400 days left on sentence.⁶

Year Two (Hypothetical): If Petitioner served another full year from 07/21/04 to 07/20/05, and was awarded with 54 days GCT, it would change his release date to the following:

07/01/05 (new release date), as of 07/20/05.

Because the last hypothetical calculation is impossible, “if the amount of time remaining on the sentence is less than a year, a prorated amount of Good Conduct Time will be entered . . . This also includes shorter sentences up to and including a sentence of 417 days. . . which do not earn the full amount of 54 GCT days, but earn a lesser prorated amount.” See Document 1e, p. 1-61B(f). Therefore, Petitioner’s GCT is prorated after 07/20/04. This calculation is detailed below, in accordance with Program Statement 5880.28, Sentence Computation Manual CCCA. Id. at pp. 1-44 to 1-49.

As of 07/20/04, Petitioner had 400 days left on his sentence.

$$400 \times .148 = 59 \text{ days GCT} \quad (54 / 365 = .148)$$

$$400 - 59 = 341$$

⁶ October 17, 2005 minus 54 days equals August 24, 2005. Likewise, 820 total days on sentence minus 366 (leap year) days already served, minus 54 days GCT vested, equals 400 days remaining on sentence.

$$341 \times .148 = 50.5 \text{ (50 days GCT)}^7$$

Id. at pp. 1-45 to 1-47.

Therefore, the number of GCT days awarded for the prorated term will fall somewhere between 50 and 59 days. To find the exact number, the following calculation is done until the answer repeats. The repeating answer is the number of GCT days earned on the prorated term.

$$400 - 50 = 350, \quad 350 \times .148 = 51.8 \text{ (51 days GCT)}$$

$$400 - 51 = 349, \quad 349 \times .148 = 51.6 \text{ (51 days GCT)}$$

$$400 - 52 = 348, \quad 348 \times .148 = 51.5 \text{ (51 days GCT)}$$

Id. at pages 1-45 to 1-48.

Since 51 was the repeating answer, the number of GCT days for the prorated term was calculated to be 51, in accordance with the calculation set forth in Program Statement 5880.28, Sentence Computation Manual CCCA. Therefore, after serving one full year, Petitioner's release date was August 24, 2005 (new release date), as of July 20, 2004, with 400 days left on sentence. Providing there is no loss of GCT due to disciplinary sanctions, Petitioner's release date is correctly calculated to be July 4, 2005 (August 24, 2005 minus 51 days equals July 4, 2005).

V. Legal Argument:

A. The Only Proper Respondent In A Petition For Writ Of Habeas Corpus Under 28 U.S.C. § 2241 Is The Warden Of The Correctional Facility Where The Petitioner is Incarcerated.

This civil action is being litigated under 28 U.S.C. § 2241, which is the appropriate

⁷ Because the BOP awards GCT based on days (not hours or portions of days), all calculations concerning GCT do not take fractions into account, and are rounded down to obtain the nearest full day.

statute for challenging the administration of sentences. However, Petitioner has improperly named the Attorney General of the United States as an additional respondent.

It is well settled that the Warden of the institution where the Petitioner is currently being held is the proper respondent in a habeas action. See Yi v. Maugans, 24 F.3d 500 (3d cir. 1994); Blango v. Thornburgh, 942 F.2d 1487 (10th Cir. 1991); United States v. Kennedy, 851 F.2d 689 (3d Cir. 1988); Guerra v. Meese, 786 F.2d 414, 416 (D.C. Cir. 1986); Billiteri v. United States Bd. Of Parole, 541 F.2d 938 (1976); Diognenes v. Malcolm, 600 F. Supp. 815 (1985). Cf. Ashley v. State of Washington, 394 F.2d 125, 126 (9th Cir. 1968). 28 C.F.R. § 2242 provides, that an application for a writ of habeas corpus shall “name . . . the person who has custody over [the petitioner] . . .” 28 U.S.C. § 2243 provides that the writ, or order to show cause, “shall be directed to the person having custody of the person detained.” Thus, the proper respondent in an inmate’s habeas corpus petition is the warden at the place of Petitioner’s incarceration. See Diognenes, supra, at p. 816.

The only proper respondent is David L. Winn, Warden, FMC Devens. Therefore, John Ashcroft, Attorney General of the United States, should be dismissed from this petition, and Warden Winn should be the sole respondent.

B. Petitioner’s Good Conduct Time Has Been Calculated In Accordance With Bureau Of Prisons Policy, and This Policy Has Been Upheld By the United States Court Of Appeals For The First Circuit.

Petitioner alleges that his “statutory and due process rights are being violated by the Bureau of Prisons’ misinterpretation of 18 U.S.C. 3624(b), depriving him of eligibility for 54 days of good conduct time (GCT) credit for each year of his term of imprisonment to which he is statutorily entitled.” This argument lacks merit, as the Bureau is calculating his GCT in

accordance with 18 U.S.C. § 3624(b) and Program Statement 5880.28, Sentence Computation Manual CCCA, and their calculation has been upheld as reasonable by the United States Court of Appeals for the First Circuit. Perez-Olivio v. Chavez, 2005 WL 31913 (1st Cir. Puerto Rico).

The federal statute governing GCT credits under the Violent Crime Control and Law Enforcement Act (VCCLEA) for all offenses committed after April 26, 1996, can be found at 18 U.S.C. § 3624(b). The statute provides that “a prisoner who is serving a term of imprisonment of more than one year . . . , may receive credit toward the service of the prisoner’s sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner’s term of imprisonment, beginning at the end of the first year of the term”

The statute specifically delegates to the Federal Bureau of Prisons the duty to award GCT. 18 U.S.C. § 3624(b). Bureau of Prisons Program Statement 5880.28, Sentence Computation Manual CCCA, applies the statutory requirement set forth in 18 U.S.C. § 3624(b), and states that 54 days of GCT may be earned for each full year served, with the GCT award being prorated for the last partial year. See Document 1e, pp. 1-40, 1-41. Since GCT is awarded at the end of a full year served, good conduct time cannot be awarded to an inmate sentenced to exactly one year imprisonment. See Document 1e, pp. 1-41, 1-45. Rather, the shortest sentence for which GCT can be earned is a sentence of one year and a day. See Document 1e, p. 1-45. In order for an inmate to be imprisoned for exactly one year under the statute, they must have an original sentence of one year and 54 days imposed, since 54 days GCT are earned after the completion of one full year in confinement. See Document 1e, p. 4-5.

Contrary to Petitioner’s assertion, the BOP sentence computation is correct. Petitioner has erroneously computed his GCT as being the length of his sentence (in years) multiplied by

54 days. (2.25 year sentence * 54 days = 121.5 days). This method is inconsistent with 18 U.S.C. § 3624(b) and Program Statement 5880.28, Sentence Computation Manual CCCA, which allow 54 days of GCT per year only for the time actually served. Petitioner's computation of GCT is incorrect because under his formula, inmates would receive GCT credit for time not served as well as for time actually served. Since GCT is awarded on a yearly, ongoing basis, it logically follows that if a prisoner cannot receive their 54 days of GCT until after each year of the term of imprisonment, then a prisoner cannot receive any GCT for time not actually served.

Petitioner was sentenced on February 13, 2004, to a 27 month term of incarceration. See Document 1b. Because Petitioner will be receiving GCT credits of up to 54 days for each year served, he will not be serving the full 27 months in federal custody. Id. Indeed, Petitioner's sentence, minus the projected 105 days applicable GCT time, equals roughly 23 months. Id. Thus, assuming he is granted all GCT available to him from this time forward based on his time served, under 18 U.S.C. § 3624(b), his projected satisfaction date on this docket is July 4, 2005. Id.

To date, there are four circuit courts which have addressed the GCT issue, and all have upheld the Bureau of Prisons method of calculation. See Perez-Olivio v. Chavez, 2005 WL 31913 (1st Cir. Puerto Rico); White v. Scibana, 390 F.3d 997 (7th Cir. 2004); Pacheco-Camacho v. Hood, 272 F.3d 1266 (9th Cir. 2001), cert. denied 535 U.S. 1105 (2002); Brown v. Hemingway, 53 Fed. Appx. 338, 2002 WL 31845147 (6th Cir. 2002); Williams v. LaManna, 20 Fed. Appx. 360, 2001 WL 1136069 (6th Cir. 2001).

The U.S. Court of Appeals for the First Circuit found "the GCT statute to be ambiguous under Chevron v. U.S.A., Inc. v. Natural Res. Def. Council, Inc., 467 U.S. 837 (1984), and the

BOP's interpretation reasonable." Perez-Olivio v. Chavez, 2005 WL 31913 at *1, (1st Cir. Puerto Rico). The Court determined that "the phrase 'term of imprisonment' is used inconsistently throughout 18 U.S.C. § 3624." Id. at *3. They also stated that "the legislative history of the GCT statute at issue in this case does not indicate any congressional intent to calculate GCT based on 'time served' or 'sentence imposed.'" Id. Thus, "having determined that § 3624(b)(1) is ambiguous," the Court moved to the second step of the Chevron analysis to determine if the BOP's interpretation was reasonable. Id. at *5. According to the Court, the language in the statute referring to the award of credit at the end of each year "is a clear congressional directive that the BOP look retroactively at a prisoner's conduct over the prior year, which makes it reasonable for the BOP only to award GCT for time served." Id. at *6.

Almost a month before the First Circuit's decision, the U.S. Court of Appeals for the Seventh Circuit examined the GCT issue in White v. Scibana, 390 F.3d 997 (7th Cir. 2004). In the opinion, the Court found § 3624(b) to be ambiguous, and "defer[red] to the Bureau's reasonable interpretation of the statute, which awards the credit for each year served in prison rather than each year of the sentence imposed." Id. at *1002, 1003.

In Pacheco-Camacho v. Hood, 272 F.3d 1266 (9th Cir. 2001), a federal prisoner challenged the Bureau's policy of awarding a prorated amount of GCT for the last partial year an inmate served toward his sentence. The Ninth Circuit held that the Bureau's regulation basing the computation of GCT on time actually served rather than the sentence imposed fell within the implied statutory authority of the Bureau of Prisons. The court concluded that the Bureau's regulations which based the proration of GCT upon time served (as opposed to sentence imposed) were reasonable, and thus, entitled to deference. Pacheco-Camacho, 272 F.3d at 1270-

71.

The U.S. Court of Appeals for the Sixth Circuit, in two unpublished opinions, also endorsed the calculation of GCT by the Bureau of Prisons, and rejected inmate challenges similar to those posed by Petitioner in this instant case. In Williams, supra, (decided two months before Pacheco, supra), the prisoner attempted to make the exact same argument as Petitioner in arguing that the statute “should be interpreted to allow him good conduct time credits for the entirety of the sentence that was imposed upon him rather than for the actual time of incarceration.” Williams, 20 Fed.Appx.360, 360 (6th Cir. 2001). The Sixth Circuit rejected this claim, finding that under 18 U.S.C. § 3624(b), “[t]he statute clearly states that good conduct time is awarded on time served by the inmate, not on the time that might potentially be served by the inmate.” 2001 WL 1136069 at **1.

In Brown, supra, (decided one year after Pacheco, supra), the Sixth Circuit reached the same result. The Court rejected an inmate’s claim that GCT should be based on the sentence imposed, not time served, relying upon Pacheco, supra, and Williams, supra. 2002 WL 31845147 at **1. The Court conclusively determined that “[t]he Bureau’s interpretation is reasonable in light of the statutory language.” Id.

Petitioner’s GCT is being calculated consistent with current Bureau of Prisons policy. Thus, due to the mandatory and persuasive authority upholding the Bureau of Prisons calculation of GCT, Petitioner’s argument holds no merit. Therefore, the GCT portion of this Petition must be dismissed.

VI. Conclusion:

For the reasons discussed above, Count I of Petitioner’s Petition for Writ of Habeas

Corpus under 28 U.S.C. § 2241 should be dismissed. As Petitioner has already voluntarily dismissed the only remaining count of the Petition (see notes 3 and 4, supra), this Court, respectfully, should order the case dismissed in its entirety.

Respectfully submitted,

By their attorney,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3369

Dated: February 24, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this 24th day of February 2005, served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Matthew H. Feinberg, Esq. and Matthew A. Kamholtz, Esq., FEINBERG &
KAMHOLTZ, 125 Summer Street, Boston, MA 02110

/s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant United States Attorney

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AARON RAMBO,)	
Petitioner,)	
)	
v.)	Civ. Action No. 04-CV-12669
)	
DAVID L. WINN, Warden, FMC Devens,)	
and)	
JOHN ASHCROFT, Attorney General of)	
the United States,)	
Respondents.)	

DECLARATION OF STEPHANIE SCANNELL

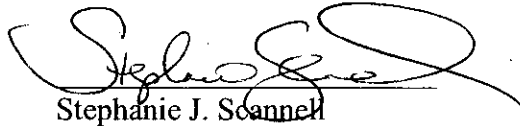
I, Stephanie Scannell, hereby make the following declaration:

1. I am currently employed by the Federal Bureau of Prisons (BOP) of the United States Department of Justice as a Paralegal Specialist Trainee at the Consolidated Legal Center located at the Federal Medical Center (FMC) in Devens, Massachusetts. I have been employed at this position since approximately March 9, 2003, and have been with the BOP since October 6, 2002.
2. In order to perform my official duties as Paralegal Specialist Trainee, I have access to numerous records regarding prisoners maintained in the ordinary course of business at FMC Devens. This information includes, but is not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on SENTRY, the Bureau of Prisons computerized data base.
3. I reviewed the Petition filed by Inmate Aaron Rambo, Register Number 54411-060, in which he challenges the Bureau of Prisons' calculation of the number of good conduct time (GCT) days for which he is eligible. In addition, he also challenges that his Community Corrections Center (CCC) placement date should not be limited to the last ten percent of his sentence, but rather asserts that he should be allowed to serve the last six months of his sentence in a CCC.

4. On February 13, 2004, Petitioner was sentenced in the Northern District of Ohio to a twenty-seven (27) month sentence with a three (3) year term of supervised release for Coercion and Enticement of a Minor via the Internet, in violation of 18 U.S.C. § 2422(b). Petitioner's sentence computation began on February 13, 2004 (the date of sentencing), with two hundred seven (207) days jail credit for the time period spent in custody from July 21, 2003, through February 12, 2004. According to the Bureau of Prisons' calculation, Petitioner is eligible for one hundred five (105) days GCT. Thus, his projected release date is July 4, 2005, assuming there is no loss of GCT due to disciplinary sanctions. Petitioner's pre-release preparation date (10% date) is April 25, 2005. His six month date would be January 4, 2005.
5. Petitioner had previously been considered for CCC placement under the December 2002 Bureau of Prisons policy, which had limited CCC placements to the last 10% of a sentence. Based on that review, Petitioner received a CCC placement date of April 26, 2005 to a CCC in Indianapolis, Indiana. However, subsequent to the Goldings v. Winn decision in the First Circuit of Appeals in September 2004, eligible inmates at FMC Devens were reconsidered for CCC placement under the prior policy, which did not limit CCC placement to the last 10% of a sentence. Therefore, on or about November 1, 2004, Petitioner was reconsidered for placement to a CCC based on a new Unit Team recommendation for a 4 to 5 month placement. In accordance with this referral, Petitioner was given a new CCC placement date of February 8, 2005. See Document c, Inmate Profile for Inmate Aaron Rambo, Register Number 54411-060.
6. According to the Bureau of Prisons' GCT calculation, Petitioner is eligible for one hundred five (105) days GCT and his projected release date is July 4, 2005. Petitioner asserts that with his calculation, he is eligible for one hundred twenty one (121) days GCT based on his imposed sentence. In this case, his projected release date would be calculated as June 18, 2005, rather than July 4, 2005.
7. Attached hereto, please find true and correct copies of the following documents:
 - a. Public Information Data for Inmate Aaron Rambo, Register Number 54411-060, dated January 28, 2005;
 - b. Sentence Monitoring Computation Data for Inmate Aaron Rambo, Reg. No. 54411-060, dated January 28, 2005;
 - c. Inmate Profile for Inmate Aaron Rambo, Register Number 54411-060, dated January 28, 2005;
 - d. Sentence Monitoring Good Time Data for Inmate Aaron Rambo, Register Number 54411-060, dated January 28, 2005;
 - e. Program Statement 5880.28, Sentence Computation Manual CCCA (attached in relevant part);
 - f. Request for Administrative Remedy 344551-F1, and Response;
 - g. Regional Office Administrative Remedy Appeal 344551-R1, and Response;
 - h. Central Office Administrative Remedy Appeal 344551-A1, and Response.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 7th day of February, 2005

A handwritten signature in black ink, appearing to read 'Stephanie J. Scannel', written over a horizontal line.

Stephanie J. Scannel
Paralegal Specialist Trainee
FMC Devens

EXHIBIT 1A

AS OF 01-28-2005

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
RACE/SEX...: WHITE / MALE
FBI NUMBER.: 272607CC0 DOB/AGE....: 01-07-1978 / 27
PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A
PROJ REL DT: 07-04-2005 PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----
FCL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME
DEV A-DES DESIGNATED, AT ASSIGNED FACIL 04-21-2004 1412 CURRENT
A01 RELEASE RELEASED FROM IN-TRANSIT FACL 04-21-2004 1412 04-21-2004 1412
A01 A-ADMIT ADMITTED TO AN IN-TRANSIT FACL 04-21-2004 0645 04-21-2004 1412
ATL HLD REMOVE HOLDOVER REMOVED 04-21-2004 0645 04-21-2004 0645
ATL A-HLD HOLDOVER, TEMPORARILY HOUSED 04-20-2004 2007 04-21-2004 0645
A01 RELEASE RELEASED FROM IN-TRANSIT FACL 04-20-2004 2007 04-20-2004 2007
A01 A-ADMIT ADMITTED TO AN IN-TRANSIT FACL 04-20-2004 1000 04-20-2004 2007
OKL HLD REMOVE HOLDOVER REMOVED 04-20-2004 0900 04-20-2004 0900

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES

COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y

FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL

PHONE...: 978-796-1000 FAX: 978-796-1118

OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	03-17-2004	1945	04-20-2004	0900
2-A	RELEASE	RELEASED FROM IN-TRANSIT FACIL	03-17-2004	2045	03-17-2004	2045
2-A	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	03-05-2004	1126	03-17-2004	2045
CPG	ADMIN REL	ADMINISTRATIVE RELEASE	03-05-2004	1126	03-05-2004	1126
CPG	A-ADMIN	ADMINISTRATIVE ADMISSION	03-05-2004	1113	03-05-2004	1126
0-U	RELEASE	RELEASED FROM IN-TRANSIT FACIL	03-05-2004	1113	03-05-2004	1113
0-U	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	03-01-2004	1200	03-05-2004	1113
CCN	ADMIN REL	ADMINISTRATIVE RELEASE	03-01-2004	1200	03-01-2004	1200
CCN	A-ADMIN	ADMINISTRATIVE ADMISSION	03-01-2004	1159	03-01-2004	1200

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
PRE-RELEASE PREPARATION DATE: 04-25-2005

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 07-04-2005 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: OHIO, NORTHERN DISTRICT
DOCKET NUMBER.....: 5:03CR342-001
JUDGE.....: GAUGHAN
DATE SENTENCED/PROBATION IMPOSED: 02-13-2004
DATE COMMITTED.....: 04-21-2004
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----
OFFENSE CODE.....: 899
OFF/CHG: T18:2422(B) COERCION AND ENTICEMENT OF A MINOR VIA THE
INTERNET

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 27 MONTHS

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 07-20-2003

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 08-16-2004 AT DEV AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 02-13-2004
TOTAL TERM IN EFFECT.....: 27 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARS 3 MONTHS
EARLIEST DATE OF OFFENSE.....: 07-20-2003

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

JAIL CREDIT.....: FROM DATE THRU DATE
07-21-2003 02-12-2004

TOTAL PRIOR CREDIT TIME.....: 207
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 105
TOTAL GCT EARNED.....: 54
STATUTORY RELEASE DATE PROJECTED: 07-04-2005
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 10-17-2005

PROJECTED SATISFACTION DATE.....: 07-04-2005

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC....: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
PROJECTED SATISFACTION METHOD...: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

EXHIBIT 1B

DEVBS 540*23 * SENTENCE MONITORING * 01-28-2005
 PAGE 001 * COMPUTATION DATA * 09:19:25
 AS OF 01-28-2005

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES

FBI NO.....: 272607CC0 DATE OF BIRTH: 01-07-1978
 ARS1.....: DEV/A-DES
 UNIT.....: J SOMP QUARTERS.....: J02-224U
 DETAINERS.....: NO NOTIFICATIONS: NO

PRE-RELEASE PREPARATION DATE: 04-25-2005

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 07-04-2005 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: OHIO, NORTHERN DISTRICT
 DOCKET NUMBER.....: 5:03CR342-001
 JUDGE.....: GAUGHAN
 DATE SENTENCED/PROBATION IMPOSED: 02-13-2004
 DATE COMMITTED.....: 04-21-2004
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 899
 OFF/CHG: T18:2422(B) COERCION AND ENTICEMENT OF A MINOR VIA THE
 INTERNET

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 27 MONTHS
 TERM OF SUPERVISION.....: 3 YEARS
 DATE OF OFFENSE.....: 07-20-2003

G0002 MORE PAGES TO FOLLOW . . .

DEVBS 540*23 * SENTENCE MONITORING * 01-28-2005
PAGE 002 OF 002 * COMPUTATION DATA * 09:19:25
AS OF 01-28-2005

REGNO...: 54411-060 NAME: RAMBO, AARON JAMES

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 08-16-2004 AT DEV AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 02-13-2004
TOTAL TERM IN EFFECT.....: 27 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARS 3 MONTHS
EARLIEST DATE OF OFFENSE.....: 07-20-2003

JAIL CREDIT.....: FROM DATE THRU DATE
07-21-2003 02-12-2004

TOTAL PRIOR CREDIT TIME.....: 207
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 105
TOTAL GCT EARNED.....: 54
STATUTORY RELEASE DATE PROJECTED: 07-04-2005
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 10-17-2005

PROJECTED SATISFACTION DATE.....: 07-04-2005
PROJECTED SATISFACTION METHOD...: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

EXHIBIT 1C

54411-060 REG
REGNO: 54411-060 FUNCTION: DIS DOB/AGE.: 01-07-1978 / 27
NAME.: RAMBO, AARON JAMES R/S/ETH.: W/M/O
RSP.: DEV-DEVENS FMC MILEAGE.: 820 MILES
PHONE: 978-796-1000 FAX: 978-796-1118
PROJ REL METHOD: GOOD CONDUCT TIME RELEASE FBI NO.: 272607CC0
PROJ REL DATE.: 07-04-2005 INS NO.: N/A
PAR ELIG DATE.: N/A SSN.: 303980271
PAR HEAR DATE.: PSYCH: NO DETAINER: NO CMC.: NO
FACL CATEGORY - - - - - CURRENT ASSIGNMENT - - - - - EFF DATE TIME
DEV ADM-REL A-DES DESIGNATED, AT ASSIGNED FACIL 04-21-2004 1412
DEV CASEWORKER CSW J1 R. HUFNAGLE, EXT. 1343 05-17-2004 0936
DEV QUARTERS J02-224U HOUSE J/RANGE 02/BED 224U 05-26-2004 2005
DEV UNIT J SOMP N. PATTERSON, U/M EXT. 1341 10-13-2004 1344
DEV WRK DETAIL FS 3 FOOD SERVICE 7:30AM-4PM 06-03-2004 0001
OFFN/CHG RMKS: T18:2422(B)-COERCION AND ENTICEMENT OF A MINOR VIA INTERNET,
OFFN/CHG RMKS: 27 MOS BOP/3 YRS SRT;DKT #: 5:03CR342-001

G0002 MORE PAGES TO FOLLOW . . .

54411-060 REG
REGNO: 54411-060 FUNCTION: DIS DOB/AGE.: 01-07-1978 / 27
NAME.: RAMBO, AARON JAMES R/S/ETH.: W/M/O
RSP.: DEV-DEVENS FMC MILEAGE.: 820 MILES
PHONE: 978-796-1000 FAX: 978-796-1118

FACL	CATEGORY	- - - - -	CURRENT ASSIGNMENT	- - - - -	EFF DATE	TIME
DEV	ADM-REL	A-DES	DESIGNATED, AT ASSIGNED FACIL		04-21-2004	1412
DEV	CARE LEVEL	CARE1	HEALTHY OR SIMPLE CHRONIC CARE		12-29-2004	1330
DEV	COR COUNSL	CCC J1	JASON NELSON, EXT.1345		05-17-2004	0936
DEV	CASE MGT	PROG RPT	NEXT PROGRESS REPORT DUE DATE		08-17-2007	1419
DEV	CASE MGT	RPP PART	RELEASE PREP PGM PARTICIPATES		05-22-2004	0839
DEV	CASE MGT	RPP UNT C	RELEASE PREP UNIT PGM COMPLETE		05-22-2004	0849
DEV	CASE MGT	V94 CVA913	V94 CURR VIOL ON/AFTER 91394		05-22-2004	0839
DEV	CASEWORKER	CSW J1	R. HUFNAGLE, EXT. 1343		05-17-2004	0936
DEV	CUSTODY	IN	IN CUSTODY		03-08-2004	1428
DEV	DRUG PGMS	DRG I NONE	NO DRUG INTERVIEW REQUIRED		05-22-2004	0838
DEV	DESTNATION	CST 5LK	VOL OF AMERICA INDIANAPOLIS IN		02-08-2005	1501
DEV	EDUCATION	PERS FINAN	(PF) MANAGING PERSONAL FINANCE		07-14-2004	1430
DEV	EDUC INFO	ESL HAS	ENGLISH PROFICIENT		05-22-2004	0757
DEV	EDUC INFO	GED HAS	COMPLETED GED OR HS DIPLOMA		05-22-2004	0755

G0002 MORE PAGES TO FOLLOW . . .

54411-060 REG
REGNO: 54411-060 FUNCTION: DIS DOB/AGE.: 01-07-1978 / 27
NAME.: RAMBO, AARON JAMES R/S/ETH.: W/M/O
RSP.: DEV-DEVENS FMC MILEAGE.: 820 MILES
PHONE: 978-796-1000 FAX: 978-796-1118

FACL	CATEGORY	- - - - -	CURRENT ASSIGNMENT	- - - - -	EFF DATE	TIME
DEV	FIN RESP	COMPLT	FINANC RESP-COMPLETED		05-10-2004	1400
DEV	LEVEL	LOW	SECURITY CLASSIFICATION LOW		03-05-2004	1125
DEV	MED DY ST	REG DUTY	NO MEDICAL RESTR--REGULAR DUTY		04-28-2004	0904
DEV	MED DY ST	YES F/S	CLEARED FOR FOOD SERVICE		04-28-2004	0904
DEV	PGM REVIEW	APR	APRIL PROGRAM REVIEW		04-13-2005	1043
DEV	PSYCH TRMT	SOM ADMIT	SOMP ADMISSION		06-25-2004	0903
DEV	QUARTERS	J02-224U	HOUSE J/RANGE 02/BED 224U		05-26-2004	2005
DEV	RELIGION	CATHOLIC	CATHOLIC		05-09-2004	1237
DEV	UNIT	J SOMP	N. PATTERSON, U/M EXT. 1341		10-13-2004	1344
DEV	WAITNG LST	COMP I A&O	COMPLETED INSTITUTION A&O		04-27-2004	1530
DEV	WAITNG LST	MAIL	NEWSPAPERS		05-25-2004	0821
DEV	WAITNG LST	SISHOTFILE	SIS HOT FILE		07-27-2004	1103
DEV	WRK DETAIL	FS 3	FOOD SERVICE 7:30AM-4PM		06-03-2004	0001

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXHIBIT 1D

DEVBS 542*22 * SENTENCE MONITORING * 01-28-2005
 PAGE 001 OF 001 * GOOD TIME DATA * 09:20:38
 AS OF 01-28-2005

REGNO....: 54411-060 NAME: RAMBO, AARON JAMES
 ARS 1...: DEV A-DES PLRA
 COMPUTATION NUMBER...: 010 FUNC...: PRT ACT DT:
 LAST UPDATED: DATE.: 08-16-2004 FACL...: DEV CALC: AUTOMATIC
 UNIT.....: J SOMP QUARTERS.....: J02-224U
 DATE COMP BEGINS....: 02-13-2004 COMP STATUS.....: COMPLETE
 TOTAL JAIL CREDIT...: 207 TOTAL INOP TIME.....: 0
 CURRENT REL DT.....: 08-24-2005 WED EXPIRES FULL TERM DT: 10-17-2005
 PROJ SATISFACT DT...: 07-04-2005 MON PROJ SATISF METHOD...: GCT REL
 ACTUAL SATISFACT DT.: ACTUAL SATISF METHOD:
 DAYS REMAINING.....: FINAL PUBLIC LAW DAYS:

-----GOOD CONDUCT TIME AMOUNTS-----

START DATE	STOP DATE	MAX POSSIBLE TO DIS FFT	ACTUAL TOTALS DIS FFT	VESTED AMOUNT	VESTED DATE
07-21-2003	07-20-2004	54 54			
07-21-2004	07-04-2005	51			

TOTAL EARNED AMOUNT.....: 54
 TOTAL EARNED AND PROJECTED AMOUNT.....: 105

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXHIBIT 1E



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CPD
NUMBER: 5880.28
DATE: CN-06, 7/19/99
SUBJECT: Sentence Computation
Manual (CCA of 1984)

1. **PURPOSE AND SCOPE.** This Program Statement transmits the "Sentence Computation Manual" which establishes the policies and procedures for the computation of sentences imposed for violations of the United States Code under the statutes of the Comprehensive Crime Control Act of 1984 (CCCA).

On October 12, 1984, President Reagan signed the Comprehensive Crime Control Act of 1984 (CCCA) into law. Two major components of this law, the Sentencing Reform Act of 1984 (SRA) and the Insanity Reform Act of 1984, completely restructured the sentencing guidelines and policies of the United States Courts.

After the effective date of the SRA on November 1, 1987, a number of United States Court decisions found all or parts of the SRA unconstitutional. As a result, the SRA was implemented nationally in various ways.

On January 18, 1989, in Mistretta v. U.S., the Supreme Court considered the constitutionality of the sentencing guidelines and ruled that the guidelines were constitutional. This Manual provides instructions for computing sentences imposed under the CCCA both before and after the **Mistretta** decision.

2. **DIRECTIVES AFFECTED**

- a. **Directives Rescinded.** None.
- b. **Directives Referenced.** None.

g. Good Conduct Time. Subsection 3624(b) states, "(b) Credit toward service of sentence for satisfactory behavior.-- A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time it is received. Credit that has been vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence."

For computation purposes, it is necessary to remember the following about subsection 3624(b):

(1) 54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being

prorated for the last partial year. No GCT can be earned on, or awarded to, a sentence of one year or less.

(2) The BOP has 15 days after the end of each full year served to make a determination as to the amount of the 54 days that shall be awarded. If the BOP makes no decision about the amount of GCT to award in the 15 days at the end of the year just served, then the entire 54 days will be automatically credited to the sentence on the Vested Date. Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (both signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File. *

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 (Good Conduct Time Action Notice) has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448 the disciplinary log copy shall be destroyed. Again, an updated copy of the

SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File.

*

Once GCT has been credited, it vests and may not later be disallowed. If good cause exists (e.g., riot, food strike, work stoppage, etc.) or the prisoner commits an act of misconduct (See Program Statement on Inmate Discipline and Special Housing Units) that occurred during the prior year but does not become known until after the 15 day time limit has expired, however, then the GCT may be disallowed even though the time limit has been exceeded. In addition, if an act of misconduct is referred to the Discipline Hearing Officer (DHO) and the DHO is unable to dispose of the referral in the manner prescribed by the Program Statement on Inmate Discipline and Special Housing Units within the 15 days allowed, then the official award or disallowance of the GCT may be delayed for the period of time necessary to comply with that Program Statement.

In any case not covered in the preceding paragraph in which GCT is not disallowed within the proper time limit, the RISA should be contacted for instructions. *

(3) GCT that is disallowed and that is not awarded from the maximum possible to award during the 15 day time limit, may not be awarded at a later time. If a disallowance of GCT is successfully appealed, or if the BOP has for some reason erroneously disallowed GCT, then the GCT may be credited at that time.

(4) The BOP has six weeks before the end of the sentence to make a determination about how much of the prorated GCT to award for the last portion of a year of the term of imprisonment. If the BOP makes no decision about the amount of GCT to award in the last six weeks of the sentence, then the entire amount possible to award for that period of time will be automatically credited to the sentence on the last day of the sentence (date of release and Vested Date). Therefore, before awarding any GCT on the Vested Date, staff shall review the SENTRY disciplinary log to determine if any GCT had been disallowed during the preceding anniversary period. If no GCT was disallowed during the preceding anniversary period, then the GCT SENTRY data base shall be updated with the total amount of GCT possible to earn and a copy of the disciplinary log, as well as a copy of the GCT record (signed and dated by the ISM staff member making the change and the auditor), shall be placed in the Judgment and Commitment File.

If some or all of the GCT had been disallowed during the preceding anniversary period and no BP-448 has been received by the Vested Date that matches the disciplinary log record, then the disciplinary log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the Judgment and Commitment File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448 the disciplinary log copy shall be destroyed. Again, an updated

*

copy of the SENTRY GCT record (signed and dated by the ISM staff member making the change and the auditor) shall be placed in the Judgment and Commitment File. *

(5) An action to delay, disallow or suspend the award of some or all of the GCT for a decision at a later time that is not within the 15 day, or six week, consideration time periods is not authorized.

For release purposes, subsection 3624(b) is the most important provision in the computation process since the proper application of that subsection determines the actual statutory date of release for the prisoner. The release date is determined, of course, by subtracting the total amount of GCT awarded during the term of the sentence from the full term date of the sentence. The total amount of GCT awarded during the term of a sentence is found by adding the amount of GCT awarded at the end of each year to the amount of GCT awarded for the last portion of a year.

As noted in (1) above, 54 days of GCT may be awarded for each full year served on a sentence in excess of one year. Since 54 days of GCT per year cannot be divided evenly into one year, or 12 months, or 52 weeks, or 365 days, determining the amount of GCT that may be awarded for the last portion of a year on the sentence becomes arithmetically complicated. The BOP has developed a formula (hereinafter called the "GCT formula") that

best conforms to the statute when calculating the maximum number of days that may be awarded for the time served during the last portion of a year on the sentence.

The GCT formula is based on dividing 54 days (the maximum number of days that can be awarded for one year in service of a sentence) into one day which results in the portion of one day of GCT (continued on next page)

that may be awarded for one day served on a sentence. 365 days divided into 54 days equals .148. Since .148 is less than one full day, no GCT can be awarded for one day served on the sentence. Two days of service on a sentence equals .296 (2 x .148) or zero days GCT; three days equals .444 (3 x .148) or zero days GCT; four days equals .592 (4 x .148) or zero days GCT; five days equals .74 (5 x .148) or zero days GCT; six days equals .888 (6 x .148) or zero days GCT; and seven days equals 1.036 (7 x .148) or 1 day GCT. The fraction is always dropped.

Since, in accordance with the statute (18 USC § 3624(b)), no GCT can be awarded to a sentence of one year or less, then the very shortest sentence that can be awarded GCT is a sentence of 1 year and 1 day. Because a prisoner would accrue GCT while serving a sentence of 1 year and 1 day and, therefore, serve something less than the full sentence, it would be impossible to accrue the full 54 days of GCT for a sentence of 1 year and 1 day. As a result, the GCT formula previously discussed must be utilized as shown below to determine the amount of GCT to award for a partial year. This method of calculating the GCT possible to award for the last portion of a year of a sentence to be served must be followed in all partial year calculations. (For the purpose of this demonstration, the sentence of 1 year and 1 day equals 366 days.)

Step No. 1

Sentence = $366 - 54 = 312$ days

312 days served does not equal 54 days of GCT but does equal 46 days.

Step No. 2

Days Served = $312 \times .148 = 46.176 = 46$ days GCT

Subtracting 46 days from the sentence of 366 days results in 320 days to be served.

Step No. 3

Sentence = $366 - 46 = 320$ days

46 days of GCT is not enough because 46 plus 312 days to be served equals a sentence of 358 days, 8 days short of a sentence of 366 days (1 year and 1 day).

Step No. 4

Time Served = $312 + 46 = 358$ days

Comparing 320 days to serve, which is too much time to serve, with 312 days to serve, which is not enough time to serve, reveals that the amount of GCT that can be earned must fall somewhere between 54 and 46 days. As a result, the next step is to determine how much GCT can be earned on 320 days served.

Step No. 5

Time Served = $320 \times .148 = 47.36 = 47$ days GCT

Subtracting 47 days from the sentence of 366 days (1 year and 1 day) results in 319 days to be served.

Step No. 6

Sentence = $366 - 47 = 319$ days

Utilizing the GCT formula, it is learned that 319 days served equals
47 days GCT.

Step No. 7

Time Served = $319 \times .148 = 47.212 = 47$ days GCT

Adding 319 days time served to 47 days GCT does equal a sentence of 366 days (1 year and 1 day).

Step No. 8

Time Served = 319 + 47 = 366 days

The amount of GCT that can be awarded for a sentence of 366 days (1 year and 1 day) is 47 days.

The steps that were followed in the preceding example must be followed in every instance when it is necessary to determine the amount of GCT that can be awarded for a partial year served on a sentence. A short version of the preceding eight steps is shown below.

$$\begin{aligned} 366 \times .148 &= \underline{54.168} \quad (366 + 54 = 420) \\ 366 - 54 &= 312 \times .148 = \underline{46.176} \quad (312 + 46 = 358) \\ 366 - 46 &= 320 \times .148 = \underline{47.36} \quad (320 + 47 = 367) \\ 366 - 47 &= 319 \times .148 = \underline{47.212} \quad (319 + 47 = 366) \end{aligned}$$

Thus--319 days actually served plus 47 days of GCT equals 366 days, or a sentence of 1 year and 1 day.

There is one exception to the "fraction is always dropped" rule. For instance, if the partial year remaining on a sentence equals 7 days and if the full 7 days were served, then 1 day of GCT credit ($7 \times .148 = 1.036 = 1$ day) could be awarded. If the 1 day is awarded, however, then only 6 days would actually be served on the final 7 days and for 6 days served no GCT ($6 \times .148 = .888 = 0$ days) would be authorized. This arithmetical conflict occurs each time that the actual time to serve plus the GCT equals 1 day less than that final portion of the year remaining on the sentence. For example, applying the GCT formula to a final portion of a year of 294 days results in the following calculation.

P.S. 5880.28
 February 21, 1992
 Page 1 - 48

$$\begin{aligned}
 294 \times .148 &= \underline{43.512} \quad (294 + 43 = 337) \\
 294 - 43 &= 251 \times .148 = \underline{37.148} \quad (251 + 37 = 288) \\
 294 - 37 &= 257 \times .148 = \underline{38.036} \quad (257 + 38 = 295) \\
 294 - 38 &= 256 \times .148 = \underline{37.888} \quad (256 + 37 = 293)
 \end{aligned}$$

As you can see from above, the GCT formula does not produce a result that will allow the number of days actually served plus the GCT to equal 294 days. Since it is to the advantage of the prisoner to award an additional full day for 37.888 days (38 days instead of 37 days) of GCT in such a situation, the BOP will award that additional 1 full day even though the time served results in a fraction (.888 in this case) short of a full day. (See Good Conduct Time Chart)

It is essential to learn that GCT is not awarded on the basis of the length of the sentence imposed, but rather on the number of days actually served. In other words, when the GCT awarded plus the number of days actually served equals the days remaining on the sentence, then the prisoner shall be released on the date arrived at in the computation process (days remaining on sentence - (GCT + days served) = release date). The following example demonstrates the computation process for determining a final release date on a sentence with 355 days remaining and that has a 10-10-91 date of release prior to the award of GCT.

$$\begin{aligned}
 355 \times .148 &= \underline{52.54} \quad (355 + 52 = 407) \\
 355 - 52 &= 303 \times .148 = \underline{44.844} \quad (303 + 44 = 347) \\
 355 - 44 &= 311 \times .148 = \underline{46.028} \quad (311 + 46 = 357) \\
 355 - 46 &= 309 \times .148 = \underline{45.172} \quad (309 + 45 = 354) \\
 355 - 45 &= 310 \times .148 = \underline{45.88} \quad (310 + 45 = \underline{355})
 \end{aligned}$$

$$\begin{aligned}
 \text{Release Date} &= 10-10-91 = 19276 \\
 \text{GCT} &= \underline{-00045} \\
 \text{Final Release Date} &= 08-26-91 = 19231
 \end{aligned}$$

Based on the partial year formula, any sentence that equals 418 days (e.g., 1 year, 1 month and 21 days) through 425 days (e.g., 1 year, 1 month and 29 days), can receive 54 days of GCT. Beginning with sentences that equal 426 days, more than 54 days of GCT can be awarded. As a result, any sentence that exceeds 425 days will require an Anniversary Date and a prorated year computation.

Now that the method for finding the release date for a partial year has been shown, the following example demonstrates the calculation of a sentence of 1 year and 1 month with no jail time credit or inoperative time.

Date Sentence Began	90-06-23	
Sentence Length	= +01-01-00	
Full Term Date	91-07-22*	= 19196
Date Sentence Began	90-06-22*	= -18801
Days Remaining		395

$395 \times .148 = 58.46$ (395 + 58 = 453)
 $395 - 58 = 337 \times .148 = 49.876$ (337 + 49 = 386)
 $395 - 49 = 346 \times .148 = 51.208$ (346 + 51 = 397)
 $395 - 51 = 344 \times .148 = 50.912$ (344 + 50 = 394)
 $395 - 50 = 345 \times .148 = 51.06$ (345 + 51 = 396)

You will note that the GCT formula does not allow the GCT plus the days served (344 + 50 = 394 and 345 + 51 = 396) to equal the days remaining on the sentence (395). As a result, in accordance with the exception to always "dropping the fraction" rule, 51 days of GCT is awarded for the partial year rather than 50 days.

enter the number of days of Good Conduct Time into SENTRY on the Vested Date, or the last normal work day prior to the Vested Date.

e. If a Good Conduct Time Action Notice (BP-448) has not been received by the Vested Date, then the Disciplinary Log shall be used as the official record for disallowing GCT on the Vested Date. A copy of the disciplinary log shall be placed in the J&C File pending receipt of a BP-448 that matches the information on the disciplinary log. After receipt of the BP-448, the disciplinary log copy shall be destroyed.

f. For partial year awards, ISM staff will enter the final GCT award into SENTRY on the inmate's release date prior to the final satisfaction of the sentence. The final GCT award should be made on the inmate's release date, or the work day preceding the release date since awards of GCT are vested and may not later be disallowed. If the time remaining on the sentence is less than a year, a prorated amount of Good Conduct Time will be entered into SENTRY. This also includes shorter sentences up to and including a sentence of 417 days (usually equaling 1 year, 1 month and 1 day), which do not earn the full amount of 54 GCT days, but earn a lesser prorated amount. Inmates serving SRA sentences are not eligible for lump sum awards of GCT.

g. Community Corrections staff will perform the above procedures for prisoners in community correction centers. The Disciplinary Log need not be produced for prisoners who are boarded out to state facilities or who are serving their sentences concurrently in a state facility. *

GOOD CONDUCT TIME CHART

Days Remaining On Final Portion Of Sentence	Maximum GCT Available	Days Actually Served	Days Remaining On Final Portion Of Sentence	Maximum GCT Available	Days Actually Served
337 Days	43 GCT	294 Days	379 Days	48 GCT	331 Days
338 Days	43 GCT	295 Days	380 Days	49 GCT	331 Days
339 Days	43 GCT	296 Days	381 Days	49 GCT	332 Days
340 Days	43 GCT	297 Days	382 Days	49 GCT	333 Days
341 Days	44 GCT	297 Days	383 Days	49 GCT	334 Days
342 Days	44 GCT	298 Days	384 Days	49 GCT	335 Days
343 Days	44 GCT	299 Days	385 Days	49 GCT	336 Days
344 Days	44 GCT	300 Days	386 Days	49 GCT	337 Days
345 Days	44 GCT	301 Days	387 Days	50 GCT	337 Days
346 Days	44 GCT	302 Days	388 Days	50 GCT	338 Days
347 Days	44 GCT	303 Days	389 Days	50 GCT	339 Days
348 Days	44 GCT	304 Days	390 Days	50 GCT	340 Days
349 Days	45 GCT	304 Days	391 Days	50 GCT	341 Days
350 Days	45 GCT	305 Days	392 Days	50 GCT	342 Days
351 Days	45 GCT	306 Days	393 Days	50 GCT	343 Days
352 Days	45 GCT	307 Days	394 Days	50 GCT	344 Days
353 Days	45 GCT	308 Days	395 Days	51 GCT	344 Days
354 Days	45 GCT	309 Days	396 Days	51 GCT	345 Days
355 Days	45 GCT	310 Days	397 Days	51 GCT	346 Days
356 Days	46 GCT	310 Days	398 Days	51 GCT	347 Days
357 Days	46 GCT	311 Days	399 Days	51 GCT	348 Days
358 Days	46 GCT	312 Days	400 Days	51 GCT	349 Days
359 Days	46 GCT	313 Days	401 Days	51 GCT	350 Days
360 Days	46 GCT	314 Days	402 Days	51 GCT	351 Days
361 Days	46 GCT	315 Days	403 Days	52 GCT	351 Days
362 Days	46 GCT	316 Days	404 Days	52 GCT	352 Days
363 Days	46 GCT	317 Days	405 Days	52 GCT	353 Days
364 Days	47 GCT	317 Days	406 Days	52 GCT	354 Days
365 Days	47 GCT	318 Days	407 Days	52 GCT	355 Days
366 Days	47 GCT	319 Days	408 Days	52 GCT	356 Days
367 Days	47 GCT	320 Days	409 Days	52 GCT	357 Days
368 Days	47 GCT	321 Days	410 Days	52 GCT	358 Days
369 Days	47 GCT	322 Days	411 Days	53 GCT	358 Days
370 Days	47 GCT	323 Days	412 Days	53 GCT	359 Days
371 Days	47 GCT	324 Days	413 Days	53 GCT	360 Days
372 Days	48 GCT	324 Days	414 Days	53 GCT	361 Days
373 Days	48 GCT	325 Days	415 Days	53 GCT	362 Days
374 Days	48 GCT	326 Days	416 Days	53 GCT	363 Days
375 Days	48 GCT	327 Days	417 Days	53 GCT	364 Days
376 Days	48 GCT	328 Days	418 Days	54 GCT	364 Days
377 Days	48 GCT	329 Days	419 Days	54 GCT	365 Days
378 Days	48 GCT	330 Days	420 Days	54 GCT	366 Days

EXHIBIT 1F

Federal Bureau of Prisons

7-12-04 EDC

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Rambo, Aaron J. 54411-060 J-L FMC-Levens
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

It is my belief that my good conduct time has been incorrectly calculated. I will be only awarded 105 days of GCT, when in fact I should receive 121.5 days by the following formula:

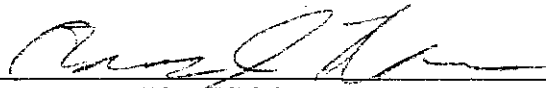
54 days per year / 12 months = 4.5 days per month

4.5 days per month x 27 months = 121.5 days GCT

Please correct this error.

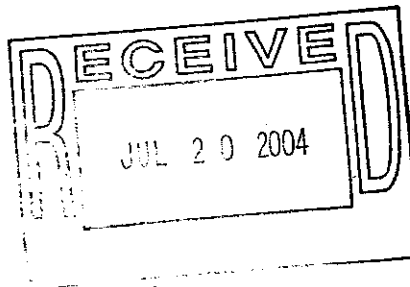
7/14/2004

DATE



SIGNATURE OF REQUESTER

Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 344551-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

**FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS
RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #344551-F1**

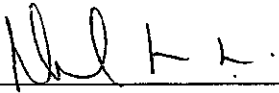
This is in response to your Request for Administrative Remedy wherein you complain your federal sentence is incorrectly computed to the extent that you are being awarded 105 days Good Conduct Time (GCT) when you believe you should be awarded 121.5 days of Good Conduct Time (GCT).

Title 18 U.S.C. 3624 (b) states in pertinent part: ...a prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term....credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

The Bureau has implemented the language of 3624(b) by promulgation of policy 28 CFR 523.20 and P.S. 5880.28, Sentence Computation Manual (CCCA of 1984). The Bureau has interpreted section 3624(b) to permit the Bureau to award GCT only for time actually served rather than on the time imposed. This interpretation has been upheld in two judicial circuits.

Based on the above information, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at: Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7th Floor, 2nd and Chestnut Streets, Philadelphia, Pennsylvania, 19106. Your appeal must be received in the Northeast Regional Office within 20 days of the date of this response.



David L. Winn, Warden

7/30/4
Date

EXHIBIT 1G

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Rambo, Aaron J. 54411-060 J-B FMC-Devens
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

It is my belief that my good conduct time has been incorrectly calculated. I will only be awarded 105 days of GCT, when in fact I should receive 121.5 days by the following formula:

54 days per year / 12 months = 4.5 days per month

4.5 days per month X 27 months = 121.5 days GCT

Please correct this error.

8-10-04

DATE

Aaron J. Rambo

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 344551-R1

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

SIGNATURE RECIPIENT OF REGIONAL APPEAL

BP-230(13)
APRIL 1982

RAMBO, Aaron

Reg. No. 54411-060

Appeal No. 344551-R1

Page One

PART B - RESPONSE

In your appeal, you state your good conduct time (GCT) is being calculated incorrectly. You believe 18 U.S.C. § 3624(b) allows you to earn 54 days of GCT per year of your sentence as imposed. As relief, you request recalculation of your GCT.

An review of your appeal has revealed that you are serving a sentence of 27 months imposed on February 13, 2004, for offenses you committed on July 20, 2003. The version of § 3624(b) authorizing the Bureau to award GCT in your case provided the following: "...[A] prisoner who is serving a term of imprisonment of more than one year other than [life], may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with institutional disciplinary regulations.... credit for the last year or portion of a year of the term of imprisonment shall be prorated...." The interpretation of § 3624(b) by the Bureau in Program Statement 5880.28, Sentence Computation Manual CCCA, Pages 1-40 and 1-41 mirrors the statute: and states: "54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being prorated for the last partial year." The statute requires credit after the actual service of a year. The Bureau reasonably interpreted this part of the statute to require properly awarded 54 days GCT be subtracted from the remainder of the sentence, not from the year already served. If the Bureau computed GCT in the manner you request as relief, then the Bureau would violate the statutory mandate that the GCT be awarded at the end of each year of imprisonment. The institution correctly determined your eligibility for GCT. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: September 13, 2004

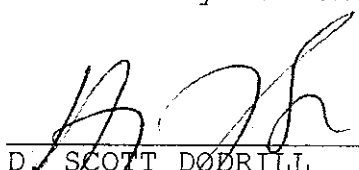

D. SCOTT DOPRILL
Regional Director

EXHIBIT 1H

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: <u>Rambo, Aaron J.</u>	<u>54411-060</u>	<u>J-3</u>	<u>FMC-Devens</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A—REASON FOR APPEAL

It is my belief that my good conduct time has been incorrectly calculated. I will only be awarded 105 days of GCT, when in fact I should receive 121.5 days by the following formula:

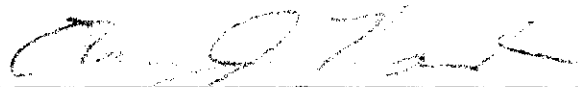
54 days per month / 12 months = 4.5 days per month

4.5 days per month x 27 months = 121.5 days GCT

Please correct this error.

9-17-04

DATE



SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

GENERAL COUNSEL

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 441251-11

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____	_____	_____	_____
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

USP LVN

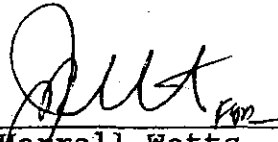
BP-231(13)
APRIL 1982

You contend the Bureau of Prisons has incorrectly calculated the amount of Good Conduct Time you may earn during your term of imprisonment.

You are serving a sentence of 27 months imposed on February 13, 2004, for an offense committed on July 20, 2003. The version of § 3624(b) authorizing the Bureau to award GCT in your case provided the following. "A prisoner who is serving a term of imprisonment of more than one year, other than [life], shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning at the end of the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with . . . institutional regulations . . . Credit for the last year or portion of a year of the term of imprisonment shall be prorated . . ." The interpretation of § 3624(b) by the Bureau is contained in 28 CFR § 523.20, which provides that "an inmate earns 54 days credit toward service of sentence (good conduct time credit) for each year served. This amount is prorated when the time served by the inmate for the sentence during the year is less than a full year." The method of calculation is set forth in Program Statement 5880.28, Sentence Computation Manual CCCA, pgs. 1-40 and 1-41: "54 days of GCT may be earned for each full year served on a sentence in excess of one year, with the GCT being prorated for the last partial year." BOP interprets the statute to require deduction of the time served (one year) and good conduct time earned (up to 54 days) off your sentence at the end of the actual service of each year. As each year of actual service ends, another deduction is made for the time served and good conduct time earned for the year. Good conduct time is awarded proportionally based on actual time served in the last partial year. The Bureau has reasonably interpreted this statute to require properly awarded good conduct time to be subtracted from the remainder of the sentence, not from the year already served. If the Bureau computed GCT in the manner you request as relief, then it would violate the statutory mandate that the GCT be awarded at the end of each year of the prisoner's term of imprisonment. The institution properly computed your sentence and correctly applied BOP's method for awarding good conduct time.

Your appeal is denied.

11/19/2004
Date


Marrell Watts, Administrator
National Inmate Appeals 